

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 are pending in the present application, with Claims 1 and 20 amended by the present amendment.

In the outstanding Office Action, Claims 1, 2, 11, 12, 15, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush (U.S. Patent No. 6,466,677 B1) in view of Shibayama (U.S. Patent No. 6,233,002 B1); Claims 4 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush in view of Shibayama and in further view of Yoshikawa, et al. (U.S. Patent No. 5, 847,305 A, hereinafter Yoshikawa); Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush in view of Shibayama and in further view of Yu (U.S. Patent No. 6,213,619); Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush in view of Shibayama and in further view of Anderson (U.S. Patent No. 5,316,249 A). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush in view of Shibayama and in further view of Foster (U.S. Patent No. 5,587,704 A); Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bush in view of Shibayama and in further view of Huang et al. (U.S. Patent No. 6,437,836 A, hereinafter Huang); Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush in view of Shibayama and in further view of an Examiner's official notice; Claims 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush in view of Shibayama and in further view of Kitao et al (U.S. Patent No. 6,124,804, hereinafter Kitao); Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush in view of Shibayama and in further view of Kitao and even in further view of an Examiner's official notice with evidence provided by Holling et al. (U.S. Patent No. 5,378,874, hereinafter Hollings); Claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Bush in view of Shibayama and in further view of an Examiner's official notice; and Claims 3, 10, and 14 were indicated as containing allowable subject matter.

Applicants gratefully acknowledge the indication of the allowable subject matter.

Claims 1 and 20 are amended to more clearly describe and distinctly claim Applicants' invention. Support for these amendments is found in Applicants' originally filed specification. No new matter is added.

Briefly recapitulating, amended Claim 1 is directed to an audio system, including a head attachment audio unit having a reproduction portion configured to reproduce audio information stored in a memory portion and an output portion configured to output sound according to the reproduced audio information. The audio system also includes a remote control unit configured to transmit a control signal that controls an operation mode for audio reproduction of the reproduction portion of the head attachment audio unit. With this configuration, operational modes such as "play", "stop", "fast forward", "rewind" and so on can be controlled remotely *even if the audio system is attached on the head*.

Bush teaches an audio system including a head attachment audio unit and a control unit, but does not disclose a remote control unit. Shibayama teaches a remote control unit having function keys such as a music key that is used to start and end a music reproducing function of an external unit (column 5, lines 52-57). Shibayama, however, does not disclose an audio reproduction operation that is a portion of the head attachment audio unit itself, as required in independent Claims 1 and 20. Instead, Shibayama teaches that a control signal is transmitted through a cord to an external unit, such as a CD player (column 7, lines 53-58). Furthermore, Shibayama does not disclose a remote control unit configured to transmit a "control signal that controls an operation mode for audio reproduction of the reproduction portion of the head attachment audio unit" as recited in amended Claim 1. In Shibayama, the control signal controls a power supply before/after use of the audio system but not while the

audio head is being used. That is, Shibayama discloses the remote control unit for the earphone system of Fig. 1B, 3B, 5B 6A-6C. Fig. 1B, 3B and 5B of Shibayama show the remote control unit having some function keys 32 which select the audio system application, such as music, telephone etc. Fig. 6A of Shibayama shows the portable terminal equipment having the same function keys as the function keys 32. Fig. 6B of Shibayama shows the portable terminal equipment having the operation buttons to control the running operation mode which is similar to the present invention. However, these function keys 32 do not control operational modes such as “play”, “stop”, “fast forward”, “rewind” and so on as is possible with Applicants’ claimed invention, but instead control the power supply for each application.

For at least these reasons Applicants submit Bush and Shibayama fail to teach or suggest the invention recited in amended Claim 1. For similar reasons, Applicants further submit that Bush and Shibayama fail to teach or suggest the invention recited in amended Claim 20. Applicants have also considered the cited Yoshikawa, Yu, Anderson, Foster, Huang, Kitao, and Hollings references and submit these references do not cure the deficiencies of Bush and Shibayama. As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 1 and 20, Applicants submit the inventions defined by Claims 1 and 20, and all claims depending therefrom, are not rendered obvious by the asserted prior art for at least the reasons stated above.<sup>1</sup>

The present amendment is submitted in accordance with 37 C.F.R. § 1.116 which permits amendments placing the claims in better form for consideration on appeal after final rejection. Since the present amendment clarifies the claimed invention, it is respectfully

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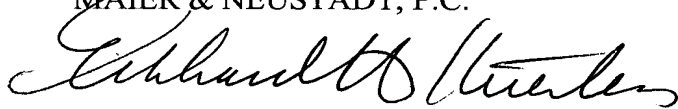
<sup>1</sup> MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

requested that 37 C.F.R. § 1.116 be liberally construed and the present amendment be entered.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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